



APPLICATION ACCEPTED: March 18, 2013
BOARD OF ZONING APPEALS: June 12, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 5, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SU-026

SULLY DISTRICT

APPLICANTS/OWNERS: Burke and Heather Cox

STREET ADDRESS: 5207 Ellicott Court, Centreville 20120

SUBDIVISION: Cabell's Mill

TAX MAP REFERENCE: 54-2 ((4)) 300

LOT SIZE: 9,607 square feet

ZONING DISTRICT: R-3, Cluster, WS

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 12.6 feet and deck 11.8 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-SU-026 with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Susan Langdon/Reports

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

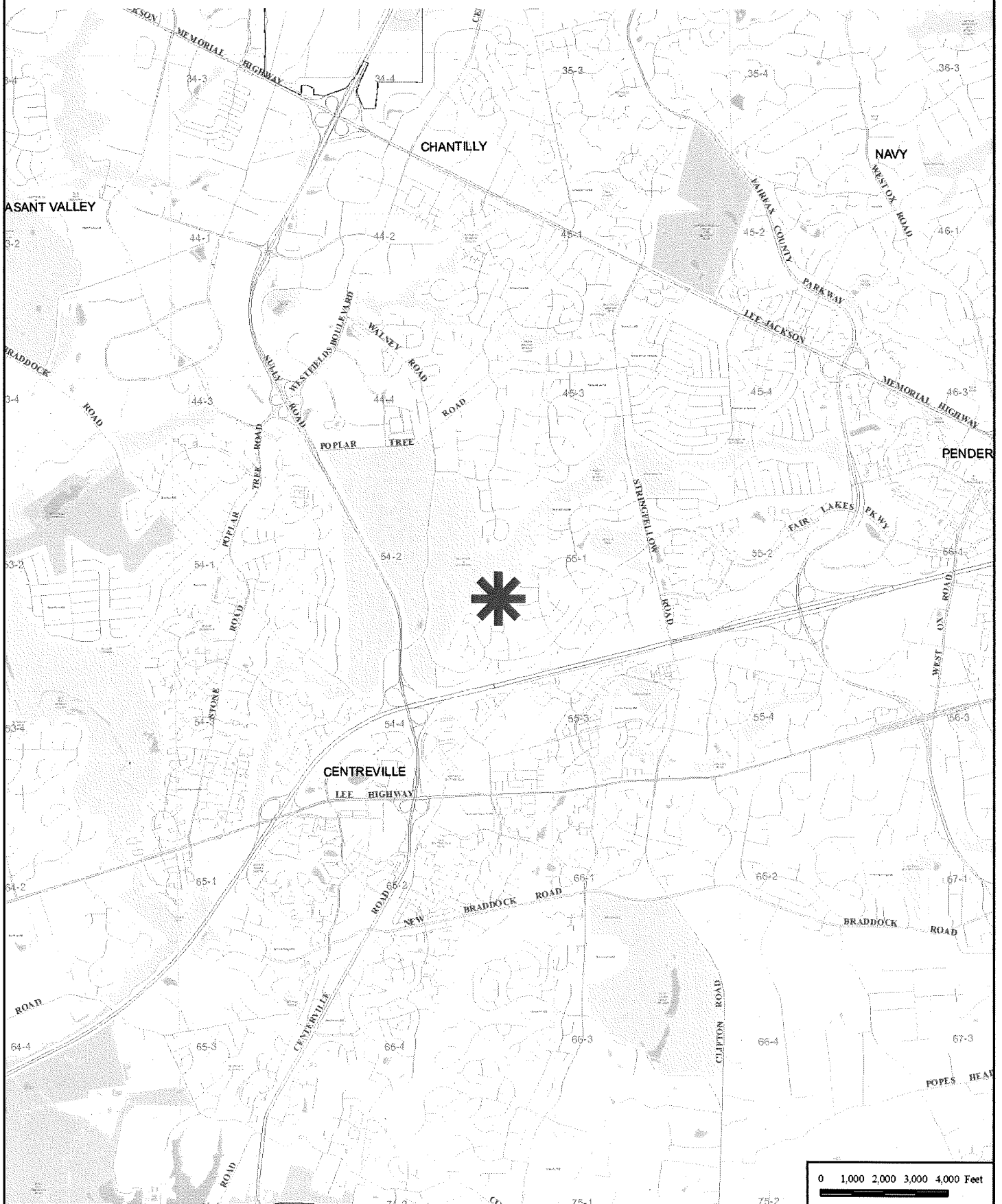
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



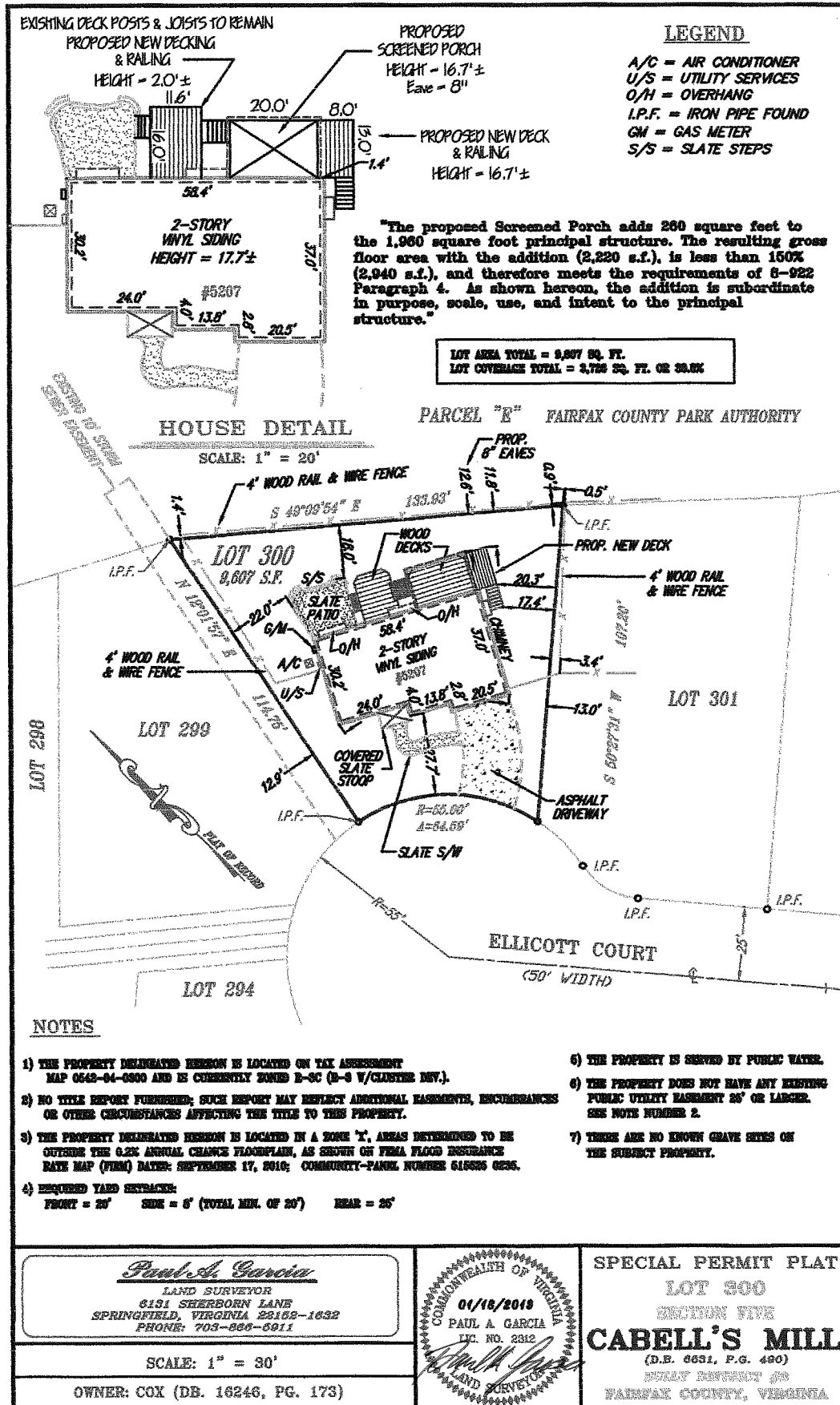
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-SU-026
HEATHER AND BURKE COX



Special Permit
SP 2013-SU-026
HEATHER AND BURKE COX



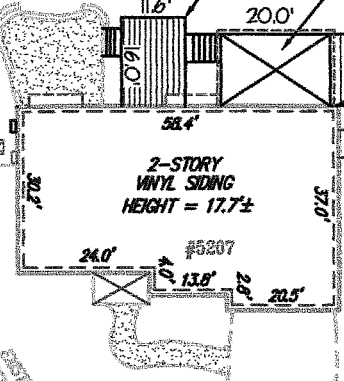


EXISTING DECK POSTS & JOISTS TO REMAIN
PROPOSED NEW DECKING
& RAILING
HEIGHT = 2.0'±
11.6'

PROPOSED
SCREENED PORCH
HEIGHT = 16.7'±
Eave = 8"

LEGEND

- A/C = AIR CONDITIONER
- U/S = UTILITY SERVICES
- O/H = OVERHANG
- I.P.F. = IRON PIPE FOUND
- GM = GAS METER
- S/S = SLATE STEPS



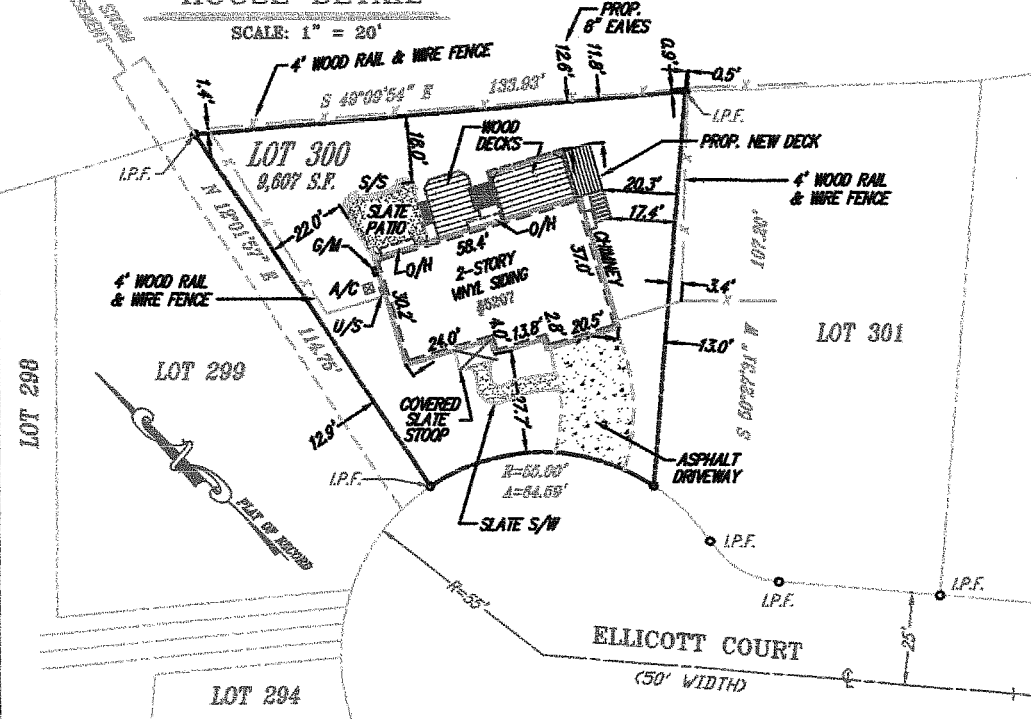
"The proposed Screened Porch adds 260 square feet to the 1,960 square foot principal structure. The resulting gross floor area with the addition (2,220 s.f.), is less than 150% (2,940 s.f.), and therefore meets the requirements of 8-922 Paragraph 4. As shown hereon, the addition is subordinate in purpose, scale, use, and intent to the principal structure."

LOT AREA TOTAL = 9,807 SQ. FT.
LOT COVERAGE TOTAL = 2,726 SQ. FT. OR 28.0%

HOUSE DETAIL

SCALE: 1" = 20'

PARCEL "E" FAIRFAX COUNTY PARK AUTHORITY



NOTES

- 1) THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX ASSESSMENT MAP 0642-04-0800 AND IS CURRENTLY ZONED R-3C (R-3 V/CLUSTER DEV.).
- 2) NO TITLE REPORT FURNISHED; SUCH REPORT MAY REFLECT ADDITIONAL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THIS PROPERTY.
- 3) THE PROPERTY DELINEATED HEREON IS LOCATED IN A ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) DATED: SEPTEMBER 17, 2010; COMMUNITY-PANEL NUMBER 616606 0626.
- 4) REQUIRED YARD SETBACKS:
FRONT = 20' SIDE = 5' (TOTAL MIN. OF 20') REAR = 25'
- 5) THE PROPERTY IS SERVED BY PUBLIC WATER.
- 6) THE PROPERTY DOES NOT HAVE ANY EXISTING PUBLIC UTILITY EASEMENT 20' OR LARGER. SEE NOTE NUMBER 2.
- 7) THERE ARE NO KNOWN GRAVE SITES ON THE SUBJECT PROPERTY.

Paul A. Garcia
LAND SURVEYOR
6131 SHERBORN LANE
SPRINGFIELD, VIRGINIA 22152-1632
PHONE: 703-866-6911

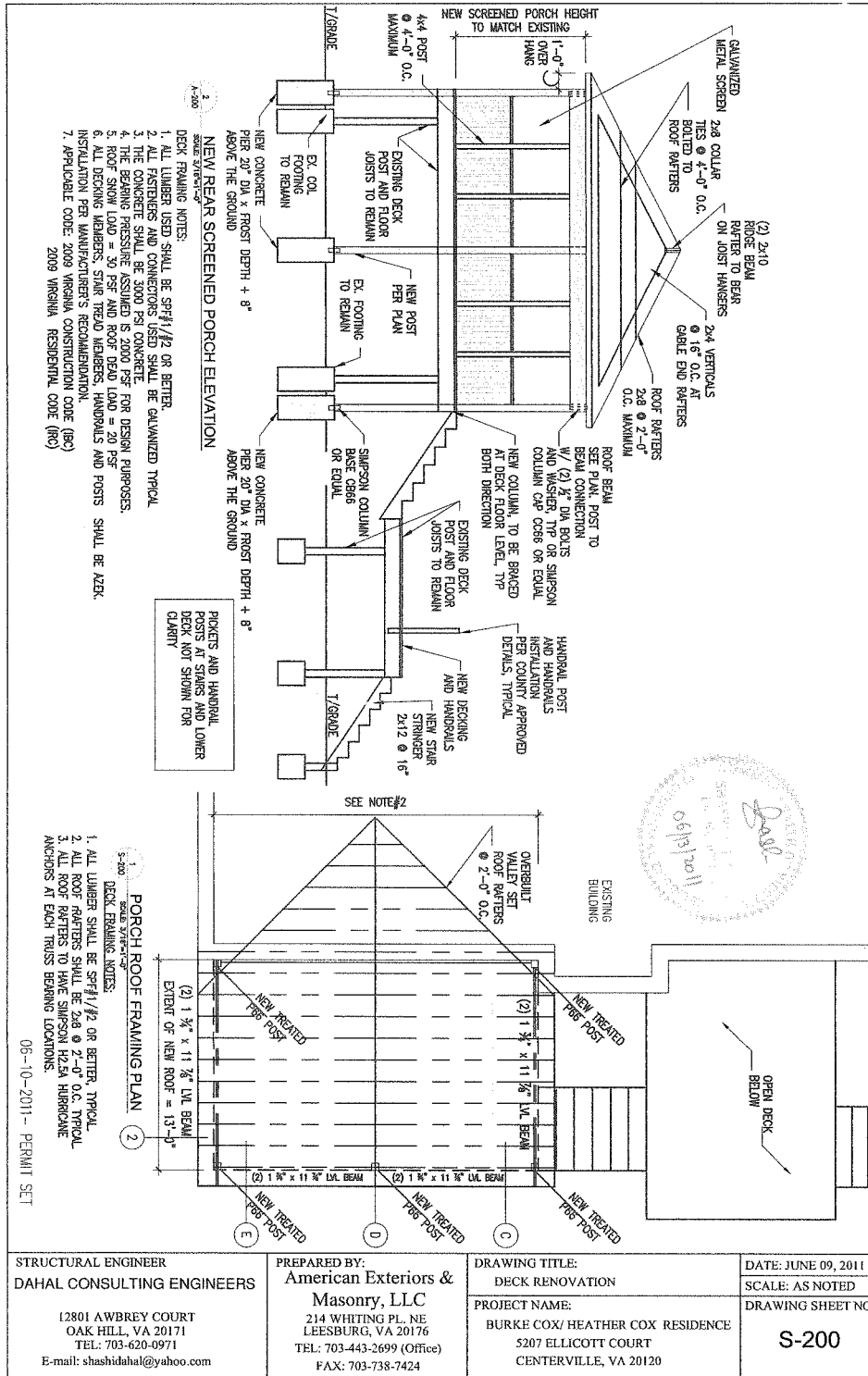
SCALE: 1" = 30'

OWNER: COX (DB. 16246, PG. 173)

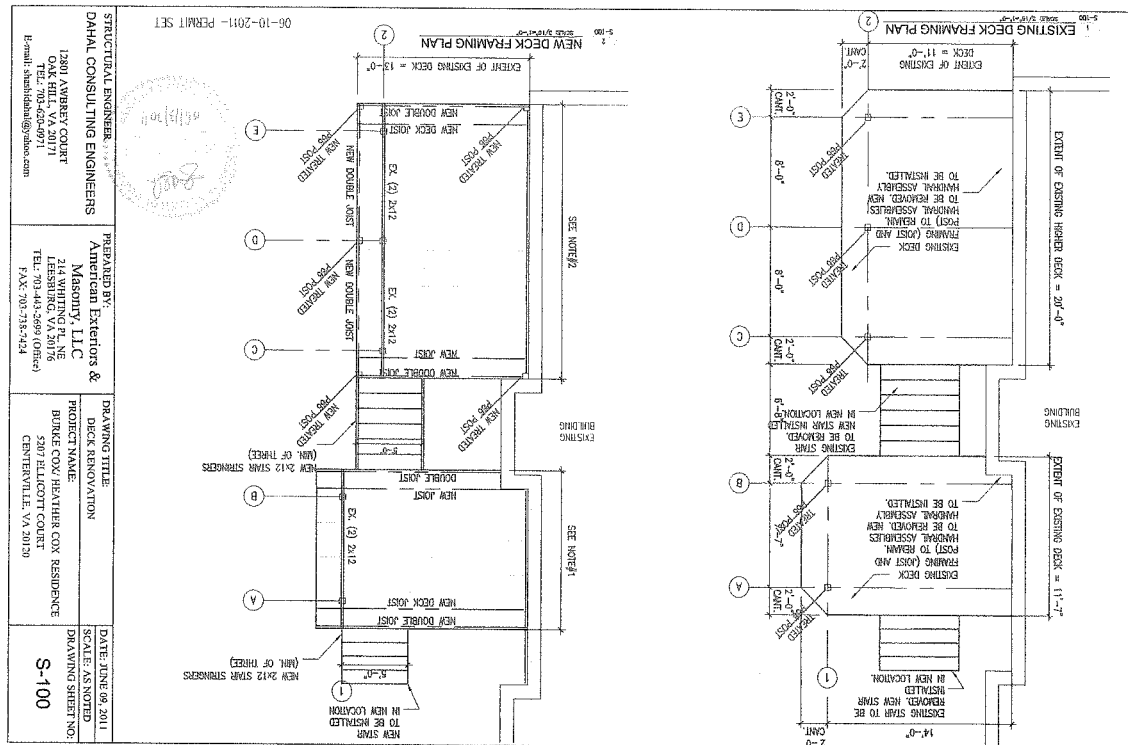
COMMONWEALTH OF VIRGINIA
01/18/2018
PAUL A. GARCIA
LIC. NO. 2812
LAND SURVEYOR

SPECIAL PERMIT PLAT
LOT 300
SECTION FIVE
CABELL'S MILL
(D.B. 0631, P.G. 400)
FULLY REVEALED JO
FAIRFAX COUNTY, VIRGINIA

Architectural Drawings (Exterior)

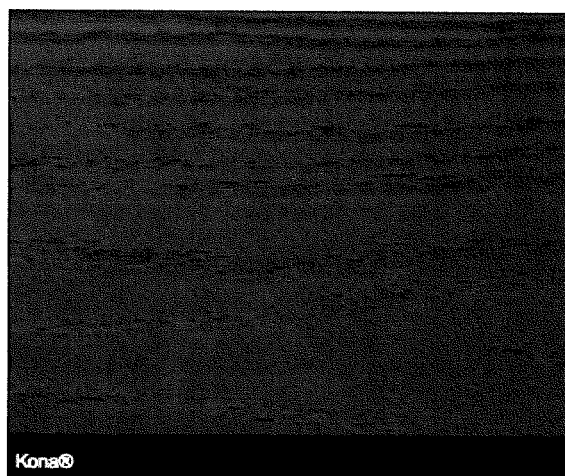


Architectural Drawings (Exterior, from above)



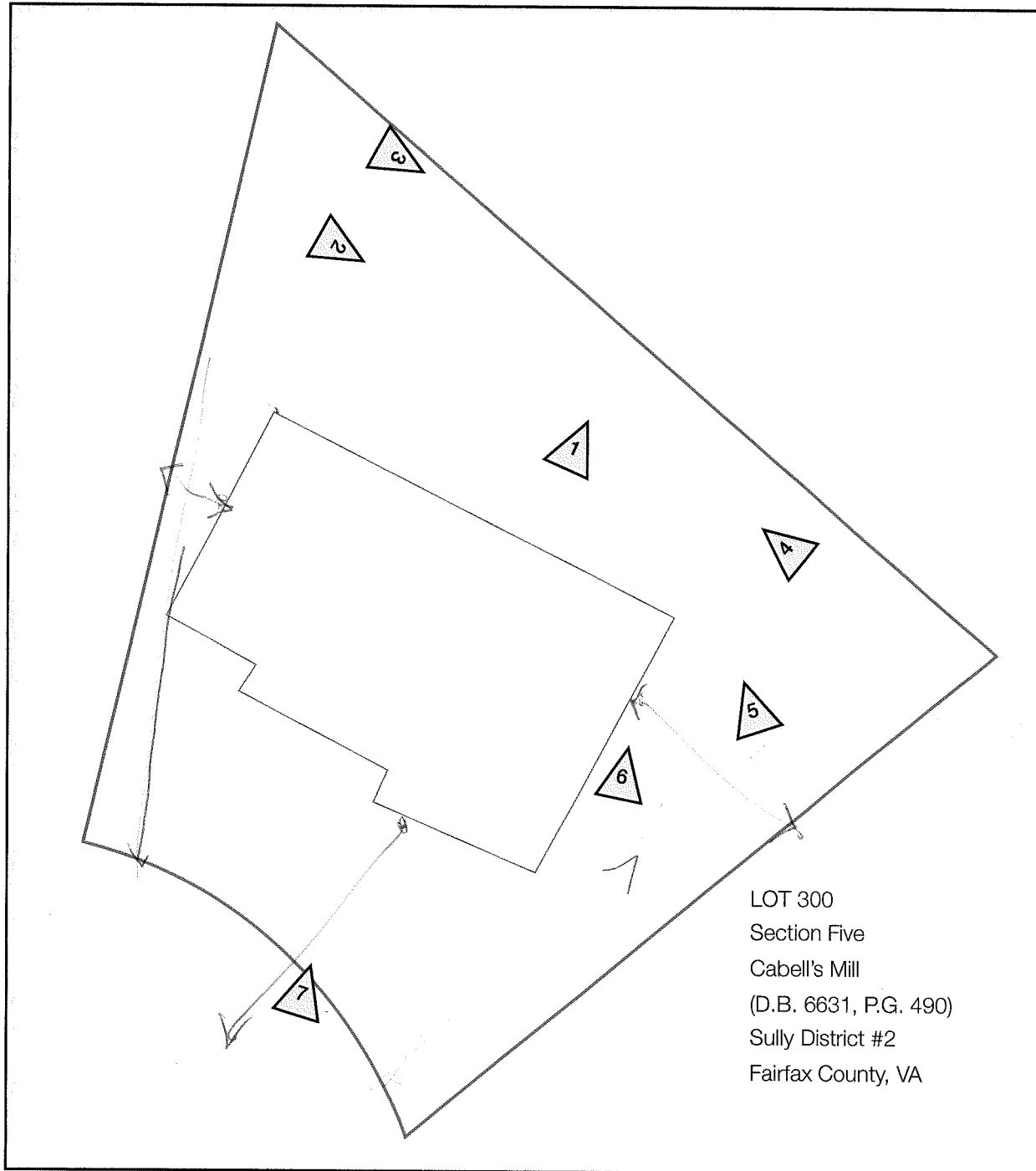
Materials and Colors

We are updating our 2 existing decks by replacing our surfaces and railings with Azek treads. The color of the top deck will be brownstone and the bottom deck will be Kona. The top deck will be screened in for a screened in porch.



Photographs

All photographs below were taken on Sunday, September 25, 2011. The PLAT below includes an index to the included photographs along with the direction in which they were taken



(1) Existing rear deck from back door



(2) Existing rear deck from back patio



(3) Existing rear deck from behind lower deck



(4) Existing rear deck from side opposite patio



(5) Existing rear deck from side east fence



(6) Existing rear deck from backyard front corner



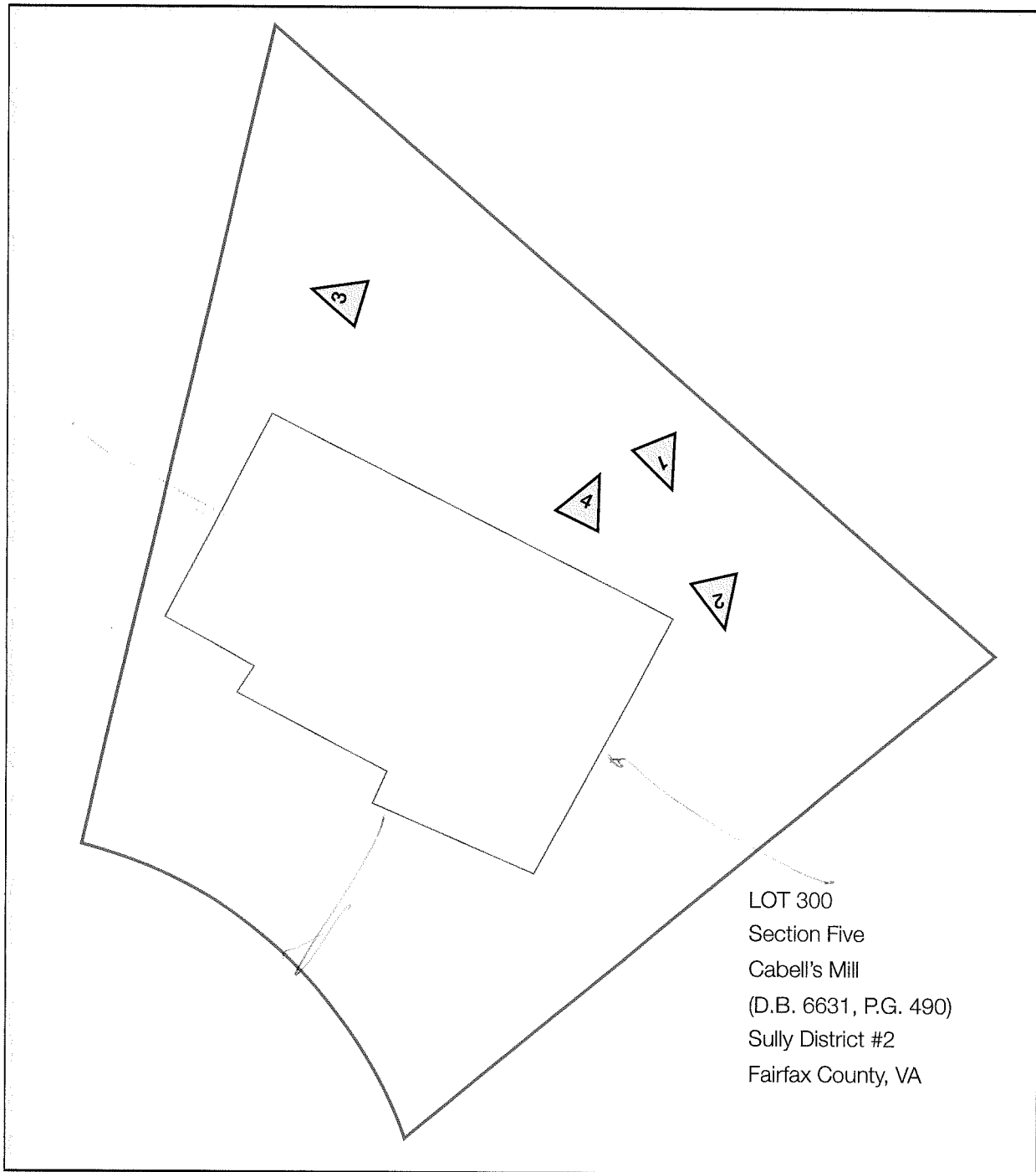
(7) 5207 Ellicott Court from cul-de-sac



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Department of Planning & Zoning
FEB 09 2012
Zoning Evaluation Division

Photographs of Abutting Properties

All photographs below were taken on Sunday, September 25, 2011. The PLAT below includes an index to the included photographs along with the direction in which they were taken.



(1) 5209 Ellicott Court from behind existing deck



(2) 5209 Ellicott Court from next to existing deck



(3) 5205 Ellicott Court from patio



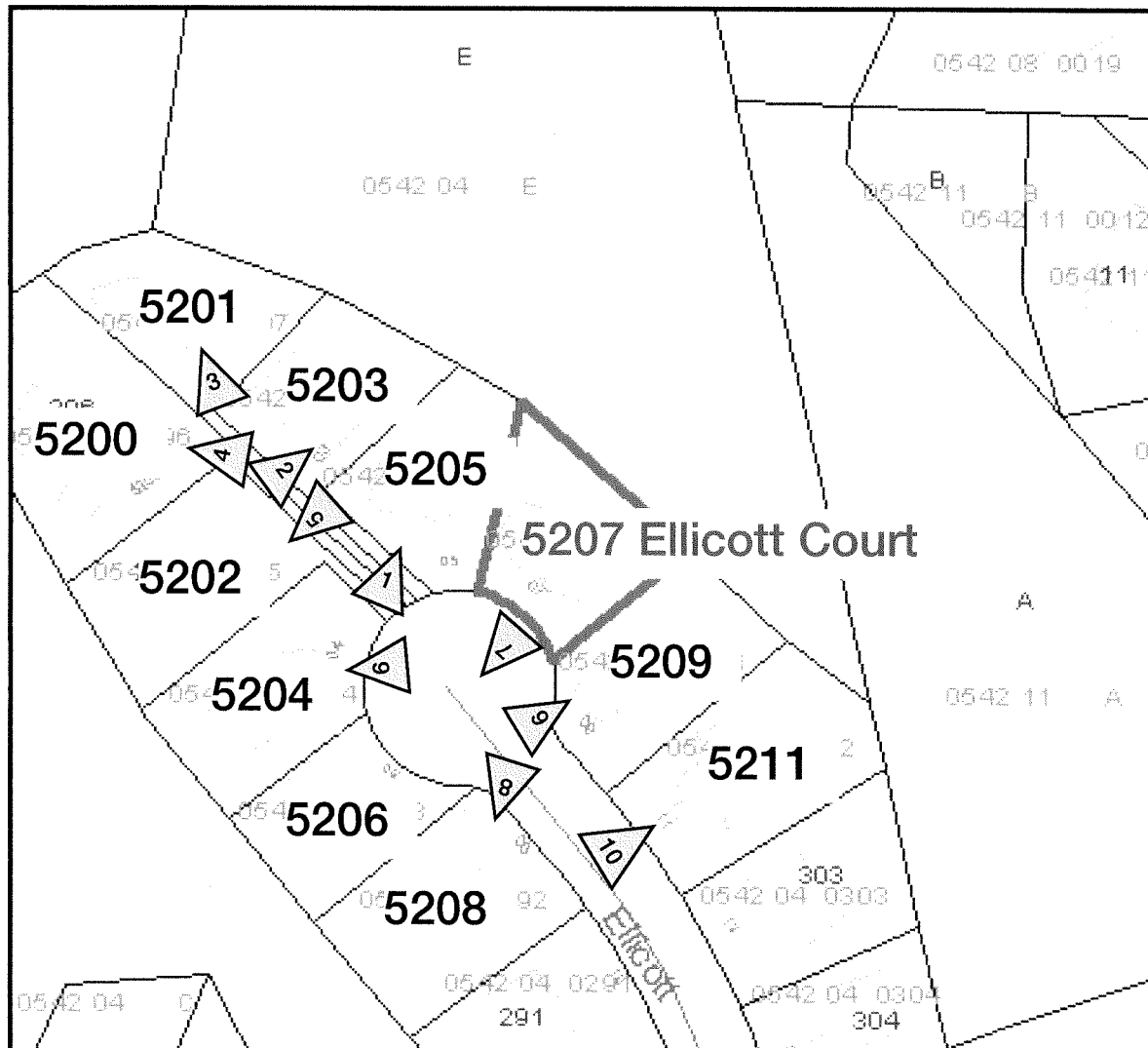
(4) Parcel E from ground level at existing back deck



All photographs below were taken on Sunday, September 25, 2011. The PLAT below includes an index to the included photographs along with the direction in which they were taken.

COX BURKE D

5207 ELLICOTT CT



Aerial Imagery © 2007 Commonwealth of Virginia

(1) 5205 Ellicott Court



(2) 5203 Ellicott Court



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(3) 5201 Ellicott Court



(4) 5200 Ellicott Court



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(5) 5202 Ellicott Court



(6) 5204 Ellicott Court



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(7) 5206 Ellicott Court



(8) 5208 Ellicott Court



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FEB 09 2012

Zoning Evaluation Division

(9) 5209 Ellicott Court



(10) 5211 Ellicott Court



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Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permits to allow a reduction of certain yard requirements to permit 1) construction of a screened porch addition to be located 12.6 feet from the rear lot line, and 2) construction of a deck to be located 11.6 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Screen Porch	Rear	25.0 feet	12.6 feet	12.4 feet	49.6%
Special Permit	Deck	Rear	13.0 feet	11.8	1.2	9.2%

*Minimum yard requirement per Section 3-307

The screen porch addition is proposed to be 20 feet long by 13 feet deep, or 260 square feet in size. The addition will be constructed over a portion of an existing deck. A small new deck is proposed to be constructed on the eastern end of the porch, to be 8 feet by 13 feet in size.

A copy of the special permit plat entitled "Special Permit Plat, Lot 300, Section Five, Cabell's Mill" prepared by Paul A. Garcia, Land Surveyor, dated January 18, 2013, is included at the front of the staff report.

EXISTING SITE DESCRIPTION

The 9,607 square foot lot is basically rectangular in shape and is located near the end of a cul-de-sac on Ellicott Court. A driveway from the Court provides access to a two-car garage. A four foot tall wood and wire fence encompasses the side and rear yards. The topography is fairly flat and several mature trees and shrubs are contained within the property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3, Cluster	Single Family Detached Dwellings
East	R-3, Cluster	Park
South	R-3, Cluster	Single Family Detached Dwellings
West	R-3, Cluster	Single Family Detached Dwellings

BACKGROUND

No special permit or variance applications for a similar type of request have been heard by the BZA in the surrounding neighborhood.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs that the construction of the addition and deck will not adversely affect the use or development of neighboring properties. There are similar additions/decks located throughout the neighborhood and a deck is currently located on the rear of the dwelling. The addition will enclose a portion of the existing deck area. County park land is located to the rear of the property. Therefore, staff believes this standard has been met.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling as noted in the special permit plat is 1,960 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,940 square feet in size for a possible total square footage at build out of 4,900. The proposed addition is approximately 260 square feet in size, for a total square footage of the house with the screen porch addition of 2,220 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling; the house is a one and a half story colonial. The addition will be one story, and the architecture and material will match the existing house. The applicants' request is to enclose a portion of an area currently developed with a deck. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The addition is in character with the dwelling and the dwelling is similar to many others in the neighborhood in terms of its height, construction materials and location on the lot. There is mature vegetation in the park to the rear of the proposed addition and deck and no vegetation is proposed to be removed to accommodate this request. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 260 square foot one-story porch addition and deck will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as the porch will be placed where a wood deck

has existed for many years and will simply enclose a portion of that deck. Staff believes the addition and deck are modest requests and will not increase runoff or erosion. Therefore, the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The request to construct a porch addition is shown in the most logical location, as it will be placed where an existing wood deck is located at the rear of the dwelling where the exit doors from the house exist. The request is modest in size and scale and the placement of the house on the small lot prohibits alternate locations for such a structure. Staff believes the application meets this provision. Other issues of wells, floodplains and/or Resource Protection Areas are not applicable to this site.*

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-SU-026 with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**June 5, 2013**

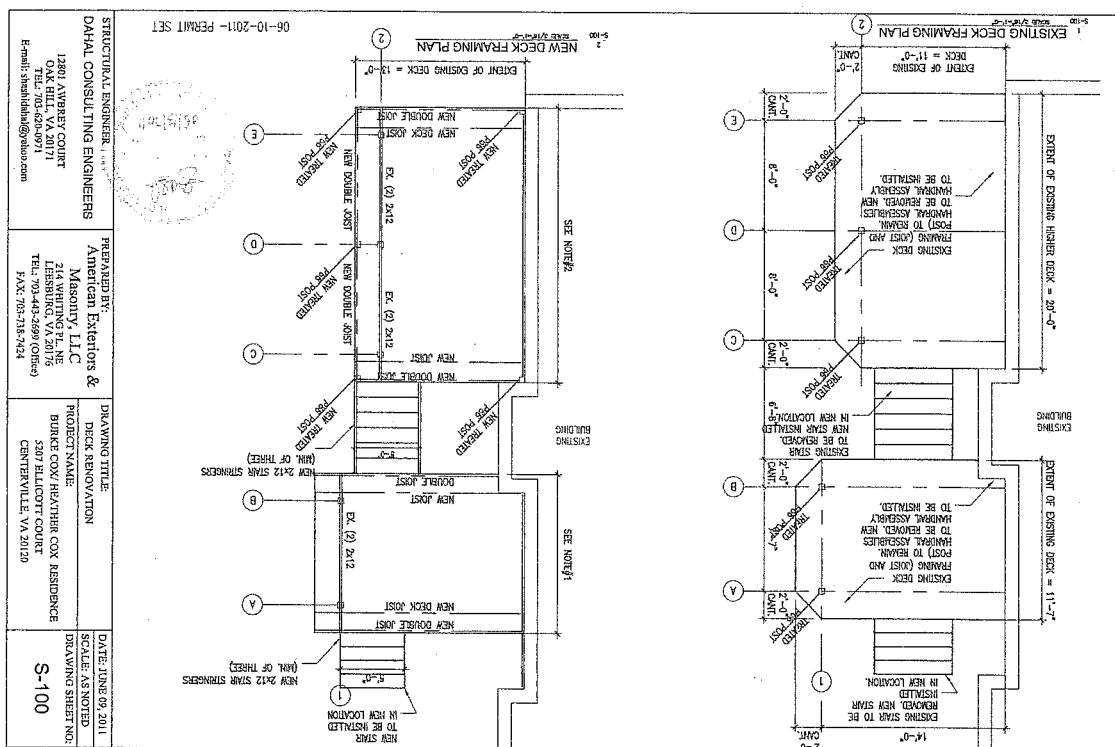
If it is the intent of the Board of Zoning Appeals to approve SP 2013-SU-026 located at Tax Map 54-2 ((4)) 300 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a screen porch addition (approximately 260 square feet) and deck as shown on the plat prepared by Paul A. Garcia, Land Surveyor, dated January 18, 2013, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,960 square feet existing + 2,940 square feet (150%) = 4,900 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

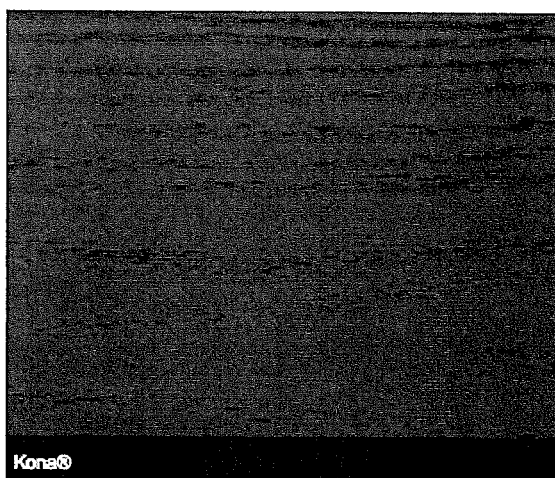
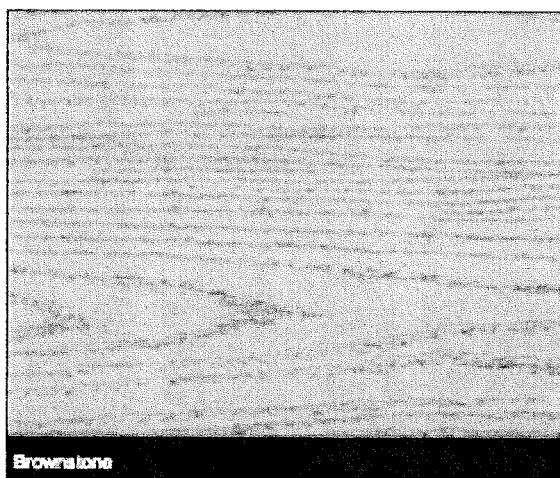
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Architectural Drawings (Exterior, from above)



Materials and Colors

We are updating our 2 existing decks by replacing our surfaces and railings with Azek treads. The color of the top deck will be brownstone and the bottom deck will be Kona. The top deck will be screened in for a screened in porch.



Burke and Heather Cox - Special Permit Application

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Department of Planning & Zoning
FEB 09 2012
5
Zoning Evaluation Division

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-11-2013
(enter date affidavit is notarized)

I, Jeneane Pretopapa, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

115027

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Heather Cox	5207 Ellicott Ct Centreville VA 20120	Applicant/Title Owner
Burke D Cox	5207 Ellicott Ct Centreville VA 20120	Applicant/Title Owner
American Exteriors Masonry LLC	214 Whitney Pl NE Leesburg VA 20176	Agent
Jeneane Pretopapa also known as Nina Pretopapa	214 Whitney Pl NE Leesburg VA 20176	Agent
Carmen Pretopapa	214 Whitney Pl NE Leesburg VA 20176	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-11-2013
(enter date affidavit is notarized)

115027

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

American Exteriors & Masonry LLC
214 Whitney Pl NE
Leesburg VA 20176
703-443-2699

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Carmen Pretopapa

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-11-2013
(enter date affidavit is notarized)

115027

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

W/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

W/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3-11-2013
(enter date affidavit is notarized)

115027

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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(enter date affidavit is notarized)

115027

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Jeneune Pretopapa
[] Applicant [X] Applicant's Authorized Agent

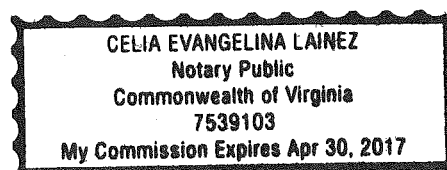
Jeneune Pretopapa Authorized Agent
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 11th day of March 2013, in the State/Comm. of Fairfax, County/City of Leesburg
VA

My commission expires:

4/30/17

Celia Lainez
Notary Public



Special Permit Statement of Justification

Description of Project

We are filing for this special permit to allow us to cover the existing deck, making the structure a screened porch, along with a small addition of an open deck. To implement the design described below, we are requesting a reduction of certain distance requirements.

The property was built in 1988 and is approximately ¼ acre in size and is zoned R-3C (R-3 w/Cluster Dev).

We are requesting a reduction of the Rear Yard setback. The included **Special Permit Plat** describes the proposed screened porch and open deck setback reductions. The architectural diagrams and building facade of the proposed screened porch and open deck are included in the **Design** section of this document. No hazardous or toxic substances or storage tanks are in existence and are not proposed by this permit application.

The following special permit justification questions do not apply to this request since this is a single family home:

- Types of operation(s),
- Hours of operation,
- Estimated number of patrons,
- Proposed number of employees,
- Estimated traffic impact, vicinity or general area to be served by the use.

This project has been submitted to the Cabell's Mill Community Association Architectural Control Committee, where it was **approved** for work to begin.

The setbacks for the property are as follows:

- Front Yard: 40 feet
- Side Yard: 8 (total min. of 20')
- Rear Yard: 25 feet

The proposed Screened Porch is 12' - 6" from the rear lot line. It is required to be 25'. We are requesting a 12' - 6" setback so the yard will not result in less than 50% as a setback.

As our proposed open deck is to be 8' from ground level, General Regulations states any open deck with any part of its floor higher than 4' above finished ground level may extend into minimum required yards as follows:

- Front Yard: No extension
- Side Yard: No extension
- Rear Yard: 12 feet, but no closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line.

The proposed open deck is required to be 12' from the rear lot line. We are proposing it to be 11 ft 8in. which is 1.98%

The resulting gross floor area of the proposed Screened Porch adds 260 square feet or 11.2% to the 1,960 square foot principle structure. The resulting floor area with the addition (2,220 sf) is less than 150% (2,940 sf) and therefore meets the requirements of 8-922 Paragraph 4.

The proposed Screened Porch and Open Deck are clearly subordinate in purpose, scale, use and intent to the existing home. It is in character with existing on-site development and has been independently assessed and

approved by the Cabell's Mill Community Association Architecture Control Committee. The proposed Screen Porch and Open Deck are harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, and scale of surrounding structures, topography, and existing vegetation. There will be no removal of any trees as part of this project.

Given the position of the proposed Screened Porch and Open Deck, barely in view from the neighbors' property and abutting underdeveloped land, this structure will not adversely impact the use and/or enjoyment of an adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff.

As we are not expanding the footprint of the deck as part of our proposed Screened Porch, the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. We are agreeable if the BZA might propose limitations necessary to satisfy any criteria necessary for approval.



SEQUOIA MANAGEMENT COMPANY, INC. • 13998 PARKEAST CIRCLE • CHANTILLY, VIRGINIA 20151-2283 • 703-803-9641 • FAX 703-968-0936
www.sequoiamanagement.com

May 13, 2011

Burke and Heather Cox
5207 Ellicott Court
Centreville, VA 20120

Dear Burke and Heather Cox:

I am pleased to inform you that the Cabell's Mill Community Association Architectural Control Committee has approved your application to update your deck as submitted.

A copy of your approved application is enclosed.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

SEQUOIA MANAGEMENT COMPANY, INC.

Melissa Wolyne
Community Management Assistant

Enclosure

RECEIVED
Department of Planning & Zoning
FEB 09 2012
Zoning Evaluation Division

Cabell's Mill Community Association Architectural Control Committee

Approval Request for Home Improvements or Modifications

Instructions:

1. Please Consult the Architectural Guidelines for specific details required for each change.
2. Provide required details on attached sheets (e.g., sketches, scale drawings, photos, catalog illustrations, etc.).
3. For change in paint color, attach a paint sample.
4. For all alterations *except* paint changes and storm doors/windows, include a copy of the plat showing the location of your proposed structure on the plat or include a scale drawing.

Owner's Name: Burke and Heather Cox Phone (day): 703.266.0186
Email (optional): heather.cox@me.com (night): 703.266.0186
Street Address: 5207 Ellicott Court Centreville va 20120

Briefly describe the improvements or modifications you plan to make (color, style, location, size, material used, etc.). Attach a separate page if more space is needed.

We are updating our 2 existing decks by replacing our surfaces and railings with Azek treads. The color of the top deck will be tan and the bottom deck will be Kona.

The top deck will be screened in for a screened in porch.

There will be an additional deck built of the top deck, see plans. It will also be made of Azek material.

Number of Attachments: 4 Planned Start Date: ASAP

Who will perform the Work? American Exteriors and Masonry

Unless otherwise stated, all work must be completed within sixty (60) days.

I understand the Cabell's Mill Architectural Committee will act upon this request within thirty (30) days of receipt. I agree not to begin improvements until the Committee notifies me of their decision.

Signature of Homeowner: [Signature] Date: 5/2/11

Mail or deliver to: Architectural Control Committee
Cabell's Mill Community Association
c/o Sequoia Management Company
13998 Parkeast Circle
Chantilly, VA 20151-2283

FOR ACC USE ONLY

Date Received: 05/04/11

☒ Approved as Submitted

☐ Disapproved by reason of _____

☐ Special Notes _____

Authorized Signature: [Signature] Date: 05/12/11

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.